

LETITIA JAMES
ATTORNEY GENERAL

BY ECF

Hon. Philip M. Halpern
United States District Court Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Application granted.

Defendant is granted leave to file the following documents under seal: Exhibit A to the Firester Declaration, Exhibit A to the Flessa Declaration, and Exhibits A, E, F, and G to the Germano Declaration submitted in support of Defendant's motion for summary judgment; and Exhibit 46 to the Sussman Affirmation submitted in opposition to Defendant's motion for summary judgment.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
July 6, 2023

Re: *Browne v. New York State Department of Correctional Service and
Community Supervision*, 21 Civ. 5240 (PMH)

Dear Judge Halpern:

This Office represents defendant New York State Department of Corrections and Community Supervision (“Defendant”) in the above-referenced action. We write pursuant to Rule 5 of Your Honor’s Individual Rules and the Southern District of New York’s Sealed Records Filing Instructions to respectfully request leave to file under seal the documents attached as sealed Exhibits A-G hereto, which will respectively be filed as Exhibit A to the Firester declaration, Exhibit A to the Flessa declaration, and Exhibits A, E, F, and G to the Germano declaration in support of Defendant’s motion for summary judgment, and Exhibit 46 to the Sussman Affirmation served by Plaintiff in opposition to Defendant’s motion for summary judgment.

Specifically, we are requesting to file under seal Exhibit A and B on the ground that these exhibits, which consist of staff planning grids, were produced to Plaintiff with a “Highly Confidential” designation under the Stipulated Confidentiality Agreement and Protective Order (“Protective Order”) entered by this Court on March 30, 2022 (Dkt. No. 31). These exhibits concern non-party employment history, which the Court noted would likely warrant a motion for sealing under Rule 5(A). Publishing them to the public could also jeopardize institutional security as they provide sensitive information on the operation of the facility. Additionally, Defendant seeks leave to file Exhibits C-G under seal on the ground that these documents were produced with “Highly Confidential” designations under the Protective Order and contain highly sensitive confidential information concerning an investigation conducted by Defendant’s Office of Special

Investigations. Such investigations are quasi-criminal in nature and conducted under a strict promise of confidentiality, and if information concerning an investigation is publicly disclosed it could discourage individuals from cooperating with such investigations in the future. Plaintiffs' counsel has consented to Defendant's request to file the above-listed exhibits under seal.

We thank the Court for its consideration of this request.

Respectfully submitted,
/s/ Amanda Yoon
Amanda Yoon
Assistant Attorney General
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cc: (Plaintiff's Counsel of Record)
(via ECF)